

Attorney's Docket No. 34718/242990(5718-198)

PATENT

1638 \$
#109
pla
6/5/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Simmons
Appl. No.: 10/090,035
Filed: February 28, 2002
For: NUCLEIC ACIDS ENCODING DEFENSE INDUCIBLE PROTEINS AND USES THEREOF

Confirmation No.: 6779
Group Art Unit: 1638
Examiner: Medina Ahmed Ibrahim

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MAY 29 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TECH CENTER 1600/2900

Transmitted herewith is a PRELIMINARY AMENDMENT in the above-identified patent application.

- ☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.
☐ No additional fee is required.

The fee has been calculated as shown below:

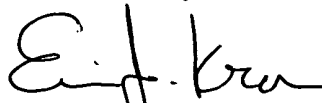
(COL. 1)		(COL. 2)	(COL. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	OR RATE	ADDIT. FEE
TOTAL	* 17	** 20	=	X 9=	\$	X 18=	\$ 0
INDEP	* 7	*** 3	= 4	X 42=	\$	X 84=	\$ 336
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+140=	\$	+280=	\$0
				TOTAL ADD FEE \$		OR TOTAL	\$ 336

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior Amendment or the number of claims originally filed.

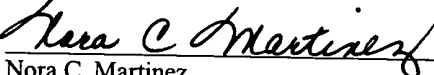
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Page 2

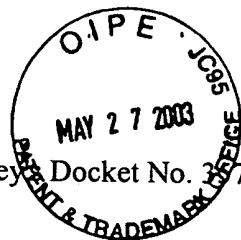
- ☒ **Please charge my Deposit Account No. 16-0605 in the amount of \$336.**
- ☐ A check in the amount \$ to cover the additional fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiency in payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0605.
- ☒ Any additional filing fees required under 37 C.F.R. § 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.

Respectfully submitted,



Eric J. Kron
Registration No. 45,941
Attorney of Record

<p>CUSTOMER NO. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260</p>	<p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 22, 2003</p>  Nora C. Martinez
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PRELIMINARY AMENDMENT

37 CFR § 1.115

(Formatted According to February 25, 2003, *Official Gazette* Notice)

INTRODUCTORY COMMENTS

This Preliminary Amendment is presented in the "Revised Amendment Format" that is now permitted pursuant to the *Official Gazette* Notice of February 25, 2003. Please amend the above-identified application according to the attached pages.

Please enter this Preliminary Amendment before calculating the claim fee.

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01 FC:1201 336.00 CH